

REMARKS

This listing of claims will replace all prior versions and listings of claims in the application. No claims are canceled or added. Claims 5 and 44 are amended. Therefore, claims 1-3, 5, 7, 11-15, 35-37, 39, 44-46, and 54-55 are pending.

Applicants thank Examiner for participating in the Examiner Interview on November 13, 2008. Examiner mailed an interview summary on November 17, 2008. Based on the conversation in the interview, Examiner indicated that more search and/or consideration is required based on the proposed amendments.

The following remarks are provided in response to the Office Action mailed November 28, 2008 in which Examiner:

- rejects claims 1-3, 5, 7, 11-15, 35-37, 39, 44-46, and 54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,788,315 to Kekic, et al., (hereinafter *Kekic*) in view of U.S. Pub. 2005/0022157 to Brendle (hereinafter *Brendle*).

Applicants respectfully request reconsideration of the above referenced patent application for the following reasons:

REJECTION UNDER 35 U.S.C. § 103(a)

Examiner rejects claims 1-3, 5, 7, 11-15, 35-37, 39, 44-46, and 54 under § 103(a) as being unpatentable over *Kekic* in view of *Brendle*. Applicants respectfully traverse the rejection by offering an affidavit under 37 C.F.R. § 1.131 that swears behind *Brendle*. Claim 1 is reproduced below. Independent claims 35 and 44 recite similar limitations.

Claim 1 recites the following:

A method, comprising:

arranging monitor managed beans in a hierarchical tree structure, wherein
each of the monitor managed beans to seek monitoring of one or
more corresponding resources of a plurality of resources associated
with one or more nodes of a plurality of nodes of the hierarchical
tree structure, wherein the monitor managed beans are associated
with runtime managed beans responsible for monitoring the
plurality of resources;
monitoring the plurality of resources via the runtime managed beans,

wherein each of the runtime managed beans to collect monitoring information for its assigned resource of the plurality of resources; and
receiving the monitoring information from the runtime managed beans, wherein the monitoring information is received by the monitor managed beans at the plurality of nodes.

Examiner admits that *Kekic* fails to teach the highlighted portion of claim 1 reproduced above that recites “wherein each of the runtime managed beans to collect monitoring information for its assigned resource of the plurality of resources, and receiving the monitoring information from the runtime managed beans, wherein the monitoring information is received by the monitor managed beans at the plurality of nodes.” *See Office Action, Page 3.* To cure this deficiency, Examiner relies on *Brendle*.

Additionally, regarding claim 1, Examiner admits that *Kekic* fails to teach “wherein the plurality of resources include one or more of Advanced Business Application Programming resources associated with an ABAP engine, and Java resources associated with a Java 2 Platform, Enterprise Edition (J2EE) engine, the pluralities of resources include one or more of kernel, services, interfaces, and libraries.” *Id. at 5.* To cure this deficiency, Examiner again relies on *Brendle*.

Applicants swear behind *Brendle* by filing a 37 C.F.R. § 1.131 affidavit that shows that the inventors conceived the invention at least prior to July 22, 2003 which is the provisional filing date of *Brendle*. Inventors of the present application signed an Invention Disclosure Form before the filing date of *Brendle*. The inventors were then interviewed to draft a patent application. After finalizing the draft, the patent application was filed on December 30, 2003.

In view of the § 1.131 affidavit, Applicants respectfully request that Examiner withdraw *Brendle* as a reference for the § 103(a) rejection. Based on the above argument and Examiner’s admissions, claim 1 is not rendered obvious by *Kekic* alone. For the same reasons, independent claims 35 and 44 are not obvious under § 103(a).

Claims 2-3, 5, 7, and 11-15 depend from claim 1. Claims 36-37 and 39 depend from claim 35. Claims 45-46 and 54-55 depend from claim 44. Since dependent claims

by their very nature include all limitations of their respective independent claims, the above claims are not obvious under § 103(a). Accordingly, Applicants respectfully request reconsideration of claims 1-3, 5, 7, 11-15, 35-37, 39, 44-46, and 54-55 in view of the amendments and § 1.131 affidavits.

CONCLUSION

Applicants submit that they have overcome Examiner's objections to and rejections of the claims and that they have the right to claim the invention as set forth in the listed claims. Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Pursuant to 37 C.F.R. § 1.136(a)(3), Applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. § 1.16 and § 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Date: February 25, 2009

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